

1 In accordance with the provisions of 28 U.S.C.
2 § 636(b) (1) (C) and Local Rule 72-304, this court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the court finds the findings and recommendations to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed September
8 7, 2005, are adopted in full;

9 2. The "stay" of proceedings entered by the court on
10 November 12, 2004, is lifted;

11 3. Plaintiff's request for injunctive relief is
12 denied;

13 4. This action is dismissed without prejudice; and

14 5. The Clerk of the Court is directed to enter
15 judgment and close this action.

16 Dated: September 28, 2005

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18 /s/ Garland E. Burrell, Jr.
19 GARLAND E. BURRELL, JR.
20 United States District Judge
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